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**JUDGE TOM WALSH AND MAYOR PATTI ANN MCDONALD  
CALL FOR CHANGES TO NYS PENAL LAW  
TO PROTECT PEOPLE WITH DISABILITIES**

Haverstraw, NY... Former Supreme Court Justice Tom Walsh, candidate for Rockland County District Attorney and former Malverne Mayor Patti Ann McDonald, called on the New York State Legislature to change the New York State Penal Law to be more protective of persons with disabilities.

Judge Walsh remarked, "Our Society is defined by how those who are vulnerable are protected from those who are abusive. I call upon the New York State Legislature now and will call upon them if honored to be the Rockland County District Attorney to know that changes in our Penal Law are needed now."

Recently, the New York State Legislature added protection to certain groups when "hate crimes" take place, but those changes did not address situations like that in Rockland County where a paralyzed man was allowed to sustain bed sores that endangered his life despite a nurse responsible for his care. The requested Penal Law change would add to the types of criminal conduct that can result in a "hate crime" charge as well as expand the scope of those who can benefit from that change in the law because of developmental or accommodated disabilities.

"As a former Mayor of a local government, I know that laws are always needed to be reviewed to be certain that our laws help all at all times. As the Widow of paralyzed Police Officer Steven McDonald, I know that laws regarding the rights of those who are disabled is of paramount importance," said Patti Ann McDonald. "In both my capacity as a Former Mayor and the wife of Steven McDonald who is no longer with us in person but is in spirit, I stand today in support of Rockland County District Attorney Candidate Tom Walsh's efforts to expand the Penal Law to protect the vulnerable."

"For those who may not know, long before laws protecting those with disabilities were enacted in New York State, former Judge Walsh for nearly four decades pushed and lifted the wheel chair of his disabled Mother so she could leave the confines of her home. Judge Walsh even brought his Mother in her wheelchair to see him preside as a Judge,

only to have his Mother loudly object in his Courtroom to one of his Decisions," continued Mayor McDonald. "Knowing Irish-Catholic Mothers, that should be a surprise too few of us. Speaking out is truly a Walsh Family tradition as it is an Irish-Catholic tradition too as we see here today."

"Because of what Judge Walsh has done for those with disabilities in the past and because of his courage to urge changes in the New York State Penal Law to better protect those with disabilities both now and in the future, I stand with Judge Walsh and support his efforts to be the next Rockland County District Attorney," Mayor McDonald concluded.

### ***PROPOSAL TO AMEND THE NEW YORK STATE PENAL LAW***

New York State has made Legislative Findings to protect persons with a defined "disability" from "hate crimes" under New York State Penal Law Section 485.00. New York State also has articulated a Declaration of Policy under Section 13.01 of the Mental Hygiene Law to assist persons having any development disability. The Penal Law protection specifically for persons with a "development" disability" and persons whose major life activities can be undertaken with "an accommodation required by law" has yet to be set forth unequivocally in our Penal Law concerning "hate crimes". Legislation is needed to address this deficiency.

Therefore, it is proposed that Penal Law, Section 485.05(4) (b) be amended from its current language of

*"the term 'disability' means a physical or mental impairment that substantially limits a major life activity"*

to be amended to provide as follows with the additional language underlined and highlighted:

*"the term 'disability' means a physical, mental or **developmental** impairment that substantially limits a major life activity **or an impairment that requires a lawful accommodation to participate in a major life activity**"*

And, the Penal Law at Section 485.02(3) to add as a "specified offense" for a hate crime the Penal Law provision at Section 260.24 and 25 of "Endangering the welfare of an incompetent or physically disabled person" as well as Section 260.32 and 34 "Endangering the welfare of a vulnerable person or an incompetent or physically disabled person.

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